

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Hearing Examiner: Daniel Kearns

Project Name: McCullough Planned Unit Development (PUD)

Case Number: PUD2003-00006; PLD2003-00051; SEP2003-00099;
ARC2003-00048

Legal Description: Tax Lot 73 (172187) in the Northwest quarter of Section 19,
Township 2 North, Range 3 East of the Willamette Meridian

Request: Subdivide approximately 7.9 acres into 50 single-family
residential lots through a PUD

Applicant: Moss & Associates
Attn: Brandon Foushee
717 NE 61st Street
Vancouver, WA 98665
Phone - (360) 260-9400, **Fax** – (360) 260-3509
E-mail - brandon@mossandassociates.net

Owner: Maryl McCullough
17806 NE Edmonds Road
Vancouver, WA 98682

Location: 17806 NE Edmonds Road

Area: Approximately 7.9 acres

RECOMMENDATION

APPROVAL, subject to conditions

Team Leader's Initials: _____ **Date Issued:** _____

Public Hearing Date: November 6, 2003

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer: (Trans. & Stormwater):	Ali Safayi	4102	ali.safayi@clark.wa.gov
Engineer: (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Eng. Supervisor: (Trans. Concurrency):	Steve Schulte, P.E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-6

Applicable Laws:

RCW 58.17.110; Clark County Code sections 20.50 (SEPA), 18 (Zoning), 17.301 (Subdivisions), 15.12 (Fire), 13.40A (Water), 13.29 (Stormwater & Erosion Control), 13.08A (Sewer), 12.05A (Transportation Standards), and 12.41 (Transportation Concurrency)

Neighborhood Association:

Evergreen East Neighborhood Association; **Contact** - Doug Paulson, 703 NE 169th Avenue, Vancouver, WA 98684; **Phone** - (360) 254-0780; **E-mail** - eenaprez@attbi.com

Time Limits:

The application was submitted on August 15, 2003 and determined to be fully complete on September 4, 2003. Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 5, 2003. The State requirement for issuing a decision within 120 calendar days lapses on January 3, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application was contingently vested and a fully complete application was filed within 180 calendar days from the issuance of the pre-application conference report. Therefore, the application is vested on the pre-application submittal date of June 20, 2003. The application vested for transportation concurrency on August 15, 2003.

Public Notice:

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on September 18, 2003. One sign was posted on the subject property and two within the vicinity on October 22, 2003. Notice of the SEPA determination and public hearing was published in the "Columbian" Newspaper on October 22, 2003.

A public hearing will be held on November 6, 2003 which will offer the public another opportunity to comment on the proposed development.

Public Comments:

The County has not received written comments to date regarding the proposal.

Project Overview

The applicant proposes to divide the subject site into 50 single-family residential lots through a PUD. All lots in the proposed subdivision will access the proposed internal public roads to NE Edmunds Road to the south and NE 36th Way to the west. The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residence
North	UL	R1-6	Edmunds Estates Subdivision
East	UL	R1-6	Edmunds Estates Subdivision
South	UL	R1-6	Larger lots with single-family residences, Edmunds Woods Subdivision
West	UL	R1-6	Larger lots with single-family residences

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|----------------------------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff 's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Density

The proposed PUD is located on approximately 7.9 acres. The allowed density range for an R1-6 zoned PUD is 5.1 to 7.3 units per acre. Pursuant to CCC Table 18.308.060 (note 1), densities shall be calculated based on the gross area of the site minus any public road right-of-way. The applicant has submitted a revised plan (Exhibit 14) that identifies the road right-of-way to be dedicated is 1.24 acres and a reduction of one lot. The proposed PUD is developing at 7.35 units an acre based on a 49 lot subdivision on 6.66 acres. This is a very minor increase in the maximum density requirements; however, staff supports this minor increase in the density based on the PUD design of the revised plan (see Finding 2 below).

Finding 2 – PUD

In order to grant approval of the proposed PUD, the hearings examiner must find the proposal complies with the criteria found in CCC 18.405.050 (A through E). Staff has reviewed the proposed PUD against these criteria and makes the following findings:

- a. The average lot size in the proposed PUD is 5,348 square feet (based on the revised plan). Staff finds that all lots in the proposed PUD have adequate building area for the homes proposed and will have yards for some open space. The applicant is also providing a .55 acre neighborhood park that includes a child's play area. Based on this, staff finds the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, parking, landscaping/screening, and other features to ensure that said use is compatible with neighborhood land uses.
- b. The proposed subdivision will have two access points; one to the south onto NE Edmunds Road and one to the west connecting to NE 36th Way. The connection to the NE 36th Way stub road will help with cross-circulation in the area. The applicant will provide half-width improvements to NE Edmunds Road as well as full-width improvements to the proposed on-site public road system. Based on this, staff finds the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposal.
- c. Staff finds the proposed PUD will not have a significant adverse effect on abutting property/permitted use thereof because the same use is proposed as the use of

properties surrounding the subject site (single-family detached residential). Although the PUD proposes densities that are higher than properties to the north and east, many of these properties could further divide in the future under R1-6 Zoning.

- d. Staff finds that the proposed PUD will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or property in said neighborhood because it can comply with the applicable requirements pertaining to this application. There is no part of a single-family residential development that would create a significantly detrimental impact.
- e. The original PUD plan submitted with the application (Exhibit 6) was not unique or innovative enough to comply with this criterion because. Staff was concern that the open space (park) was not especially usable with a small child's play area that was too small and a trail that did not appear to serve a real purpose as active park or as pedestrian connection. Also, staff was concerned that the park was not adequately visible to encourage usage of open space.

The applicant has submitted a revised plan (Exhibit 14) that identifies a reduction of one lot (Lot 50) and additional improvements to the proposed park. The area of Lot 50 is now park of the park; this opens up the open space, making it more visible from NE 37th Street. The narrow strip of the park is now shorter and five feet wider and park entry signs are proposed along NE 37th Street and NE 180th Avenue. The child's play area is larger and other improvements such as benches, horseshoe pits, garden areas, landscaping, and decorative outdoor lights are now proposed. Staff finds the revised plan represents a unique or innovative design that will further policies of the comprehensive plan.

Based on the above findings, staff finds the proposed PUD complies with the PUD criteria and should be approved with conditions (See below Finding 3 for more open space analysis).

Finding 3 – Open Space

Pursuant to CCC 18.405.040 A3 (d), the location, shape, size and character of common open space needs to be suitable for the proposed PUD. The common open space is for amenity or recreational purposes and has to be appropriate to the scale and character of the planned unit development. The applicant proposes a .65 acre Neighborhood Park as the open space for the PUD. A revised plan (Exhibit 14) was submitted which address the concerns of the proposed open space with one exception. The proposed park is largely located between two groups of lots with the rear yards of lots 37 through 45 abutting the park. Staff is concerned that if solid fences (fully sight-obscuring) are installed along these lots, park users will feel less secure. If fully sight-obscuring fencing was not allowed and fencing that was installed allowed some visibility, the open space would be more open and secure. A condition is warranted adding a restriction to the PUD CC&R's that prohibits fully sight-obscuring fencing along lots 37 through 45 abutting the park. Partially sight-obscuring fencing would be allowed. (See Condition A-1)

Staff finds the location, shape, and size of the proposed open space is sufficient for the proposed PUD with Condition A-1.

Pursuant to CCC 18.405.040 A3 (d), common open space shall be permanently maintained by and conveyed to an owners association or dedicated to a public agency. The applicant has indicated they will form an owners association for the purpose of maintaining the proposed common open space. However, it appears the proposed open space is not located in a separate tract. The required open space should be placed in a separate tract and conveyed to the owners association. (see Condition A-1).

Finding 4 – Lot Standards

The applicant proposes lot sizes, setbacks, and lot dimensional requirements that are less than those required by the R1-6 Zone. Staff finds that flexibility in lot sizes, setbacks, and dimensions are warranted if the applicant identifies compliance with the provisions of CCC 18.405 (see above Finding 2) with one possible exception. Any setback to a garage should 18 feet (see Condition D-1).

Finding 5 – Existing Structures

There is an existing residence and several accessory structures on the site and the applicant has indicated that all structures will be removed with the construction of the proposed PUD. Prior to final plat approval, all buildings/structures on the subject site should be removed in accordance with the requirements of Clark County Building Department. (See Condition A-2)

Finding 6 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note D-2).

Finding 7 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare. Continued connection of the existing and future residences to water, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

ARCHAEOLOGICAL PREDETERMINATION:

Finding 8

The proposal is located within a high probability area for containing cultural resources. An archaeological predetermination was completed for the site by the County Archaeologist which included 6 shovel test probes (Tab 11 of Exhibit #7). No cultural items were found. Archaeological Services of Clark County recommends that no further archaeological work is necessary. If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines (see Condition D-3).

TRANSPORTATION CONCURRENCY:

Finding 9 - Concurrency

County concurrency staff has reviewed the proposed McCullough PUD consisting of a 50-lot subdivision, including one existing home to be removed. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 37 new trips, while the PM peak hour trip generation is estimated at 49 trips. The applicant submitted a traffic study for this proposal in accordance with CCC 12.41.050(A) and is required to meet the standards established in CCC 12.41.080 for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access - Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The access of 180th Avenue to Edmunds Road appears to maintain acceptable LOS.

Operating LOS on Corridors - The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-3)

Operating LOS at Intersections of Regional Significance - The proposed development was subject to concurrency analysis at intersections of regional significance. The study reports acceptable operating levels for the following County intersections.

- NE 172nd Avenue/NE Edmunds Road
- NE 18th Street/NE 187th Avenue

Adjacent Jurisdictions - Although the subject site is located in Clark County, the development generates traffic that affect adjacent jurisdictions. The County has notified the City of Vancouver development and forwarded a traffic study for review and comment. The proposed development complies with the Concurrency Ordinance CCC 12.41 subject to the mitigation situation described above.

Concurrency Compliance - The proposed development complies with the Concurrency Ordinance CCC 12.41 subject to the mitigation situation described above.

Finding 10 - Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis
- turn lane warrant analysis
- accident analysis
- any other issues associated with highway safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05.230. This ordinance states that "nothing in this chapter shall be construed to preclude denial of a proposed development where off-

site road conditions are inadequate to provide a minimum level of service as specified in Chapter 12.41 CCC or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants - Signal warrants are not met at any of the subject intersections analyzed in the applicant’s traffic study.

Turn Lane Warrants - Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant’s traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant’s traffic study; therefore, mitigation is not required.

Historical Accident Situation - The applicant’s traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

CITY OF VANCOUVER TRANSPORTATION CONCURRENCY:

Finding 11 – City Concurrency

As part of the interlocal government agreement signed with the County on July 21, 1998, the City of Vancouver Concurrency staff has reviewed the proposed McCullough PUD consisting of 49 detached single family housing units. The proposed development is located at the east of NE 172nd Avenue on the north side of NE Edmonds Road. The applicant’s traffic study dated August 14, 2003, prepared by CTS Engineers, Inc. has estimated the weekday PM peak hour trip generation at 49 trips, weekday AM peak hour trip generation at 37 trips, and a weekday ADT trip generation at 469.

The project will impact the following Transportation Analysis Zone (TAZ) and the following City’s Transportation Management Zone (TMZ).

Corridor Name	Corridor Limit	Number of PM Peak Trips to City Concurrency Corridors	TAZ
NE 162 nd Avenue	SE 1st St. to Fourth Plain Blvd	19	#300

The applicant submitted a traffic study for this proposal in compliance with the interlocal agreement and the City’s VMC 11.95 and VMC 11.90 requirements to meet the standards established in the interlocal agreement. VMC 11.95 and VMC 11.90 outline the requirement corridors and intersections of regional significance.

Modeling Reimbursement - The City will incur a modeling expense for evaluating the impact of the proposed development on the transportation corridors. This expense should be reimbursed to the County. The following are the operational model corridors

impacted by the development and appropriate fees based on the submitted trip distribution. The fee is based on the \$30.00/PM peak entering the corridor.

- 162nd Avenue Corridor Concurrency Model fee is \$570.00 (see Condition A-4).

Conclusion: Upon review of the traffic impacts and the mitigation measure mentioned above, the proposed development complies with the City Concurrency VMC 11.95 and traffic impact per VMC 11.90.

TRANSPORTATION

Finding 12 - Circulation Plan

Extensions of the existing NE 36th Way and the proposed internal roads with connection to the existing NE Edmunds Road will provide adequate north-south and east-west cross-circulation to serve the proposed PUD. Staff finds that the existing roadways and the proposed extensions will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards. Therefore, the project complies with the circulation plan requirements in compliance with the provisions of Section CCC 12.05A.110.

Finding 13 - Roads

NE Edmunds Road, abutting the proposed site on the south, is classified as a 'Neighborhood Circulator' road. The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC12.05A, Standard Drawing #13, shall be:

- A minimum half-width right-of-way of 27 feet
- A minimum half-width roadway of 18 feet
- Curb/gutter and minimum sidewalk of 5 feet

The applicant proposes to construct a detached sidewalk and install landscaping within the existing 30-foot half-width right-of-way consistent with the existing improvements along this road. Staff finds that the proposed improvements comply with the requirements of CCC 12.05A.

NE 180th Avenue, NE 36th Street, and NE 37th Street, the proposed internal roadways, are classified as 'Local Residential Access' roads. The minimum right-of-way dedication and improvements along these roadways in accordance with CCC12.05A, Standard Drawing #14, shall be:

- A minimum right-of-way width of 46 feet
- A minimum roadway width of 28 feet
- Curb/gutter and minimum sidewalk width of 5 feet

The project proposes to dedicate a total width of 29 feet containing the roadway and the curbs; and provide 8.5 feet of public easement on either side of the road for sidewalk and the required clear space. Sidewalk may be on easement in lieu of right-of-way in compliance with CCC12.05A, Standard Drawing #14.

Finding 14 - Intersection Design / Sight Distance

The proposed intersections shall be designed in accordance with Section CCC 12.05A.240. The proposed intersections shall have unobstructed sight distance

triangles in accordance with the provisions of Section CCC12.05A.250.

Finding 15 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with Section CCC 12.05.A.400. Bike lanes are not required for urban access roads. The development plans show sidewalk along the proposed roads. A pedestrian access easement is provided with the intention to provide pedestrian circulation between the proposed internal roads and the existing NE 38th Way to the north. A note on the development plan indicates that the pedestrian access will be constructed to provide connectivity to NE 38th Way if an easement through Parcel #172233-080, not owned by the applicant, is obtained. In any case, that portion of the pedestrian accessway that is within the project site shall be provided in compliance with Section CCC 12.05A.400(3). The proposed sidewalks along the frontage on NE Edmunds Road, sidewalks along the neighborhood park area, and the walking path between the future lots #24 and #25 shall be constructed prior to the final plat approval. (See Condition A-5)

Conclusions

Based upon the findings, development site characteristics, the proposed transportation plan, and the requirements of the County's transportation standards, staff concludes that the proposed preliminary development plan is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

STORMWATER:

Finding 16 - Applicability

The Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000, apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 13.29.210.

The project will create more than 2000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and it is a land disturbing activity not exempted in section 13.29.210. Therefore, this development shall comply with the CCC 13.29, Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in 13.29.200. This project is subject to the erosion control ordinance.

Finding 17 - Stormwater Proposal:

The applicant proposes to construct stormwater drainage facilities in separate tracts within the proposed subdivision to be dedicated to the County for maintenance.

As indicated in the preliminary stormwater report and shown on the plans, the storm runoff quality control will be achieved by the proposed stormwater facilities comprised of Stormwater Management StomFilters™ manholes and/or vaults. The preliminary

stormwater design report indicates that the proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms.

Stormwater quantity control will be achieved by infiltration. The project proposes to infiltrate the runoff due to 100-year, 24-hour design storms into the ground. An emergency overflow system is proposed to prevent adverse impacts to the future residences and adjacent properties due to runoff in case of failure of the infiltration systems.

Finding 18 - Site Conditions and Stormwater Issues

The site with slopes of 0% to 5% contains open field, grass, and shrubs. All the existing structures within the proposed site are to be removed prior to construction.

The preliminary stormwater report indicates that the total area of new impervious surface consisting of roofs, driveways, and streets is approximately 4.52 acres of which 2.99 acres are pollution-generating surfaces to be treated prior to disposal. The total new impervious surface is estimated to be 57% of the 7.90-acre site. The design assumes approximately 1,333 square feet of roof area per lot. This estimate is not consistent with the actual roof areas of the recently constructed homes in similar projects within R1-6 zoning district in the area. (See Condition A-6)

The preliminary stormwater design calculations are based on the weighted average of curve numbers (CN) for pervious and impervious surfaces. In accordance with the Section III-1.4.2 of the BMP Manual, a weighted average for the pervious areas within the sub-basin may be used for calculation. However, averaging CNs for pervious surfaces together with CNs for impervious surfaces are not allowed. The CN for impervious surfaces shall be 98. Inaccurate CN data result in errors in estimating the runoff rates and sizing the stormwater facility. The final design for the stormwater facility shall be based on the correct CN data. (See Condition A-7)

In the preliminary design calculation, rainfall data for 2-year, 10-year, and 100-year storm events during a 24-hour period are estimated at 2.4 inches, 3.65 inches, and 4.75 inches, respectively. In accordance with the Isopluvial Maps for Design Storms in Clark County, the rates shall be no less than 2.75, 3.65, and 5.25 inches, respectively. The errors made in calculating the runoff volumes will lead to insufficient capacity within the water quality and quantity control facilities. (See Condition A-8)

USDA, SCS mapping shows the site to be underlain by Lauren (LeB, 83%) classified by AASHTO as A-1 and A-2 soils, Hillsboro Silt Loam soil (HsB, 16%) classified by AASHTO as A-4 soils, and Cove clay soil (CvA, 1%) classified by AASHTO as A-7 soils. Lauren and Hillsboro soils are in hydrologic group B and Cove soils are in hydrologic group D. Stormwater and Erosion Control Ordinance, CCC 13.29, does not list A-4 or A-7 soils as suitable for infiltration.

The Applicant has submitted a soil infiltration investigation report that provides infiltration test results in two locations. No ground water was encountered in the test pits excavated to the depth of 17 feet below the ground. The infiltration tests showed an infiltration rate of 125 inches per hour at the depth of 5 feet in Test Pit #1 in the northern

portion of the site and 195 at the depth of 5 feet in Test Pit #2 in the eastern portion of the site (See Figure 2 of Tab 7, Exhibit 7). The laboratory tests on the soil samples has resulted in classification of the soils as A-1-a(0) soils in both Test Pit #1 and Test Pit #2. CCC 13.29 considers these soils as suitable for infiltration. The report indicates that the depth to coarse-textured sand soil susceptible to infiltration varies in proximity to Test Pit #1 from 4.5 to 7 feet below ground surface and there is an interbedded impermeable clay layer at depth of 12 to 14 feet. This may potentially limit the capacity of stormwater infiltration for areas in proximity to Test Pit #1. Localized perched ground water may also be present. The report recommends that the stormwater infiltration facilities be designed based on the infiltration rates less than or equal to one-half of the tested rates, the infiltration system installation be observed and documented by a licensed geotechnical engineer, and a sacrificial temporary drainage system be considered for use during construction of the site improvements. Furthermore, in order to ensure that the proposed stormwater infiltration system will function as designed, the infiltration rates used in the final stormwater analysis shall be verified during the construction by a licensed geotechnical engineer or a designated representative at the exact location and depth of the proposed stormwater infiltration facilities. (See Condition A-9)

The proposed development site is sloped from southwest to the northeast. The runoff from this development can potentially have adverse impacts on the properties to the north and east of the site. In accordance with the provisions of Section CCC 13.29.310(A)(7), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. Thus, the final stormwater plan shall provide evidence that the adjacent properties are not adversely impacted due to the increased runoff from this development. (See Condition A-10)

The project proposes to bypass the treatment systems and discharge the runoff from the roofs directly into individual infiltration systems or to the overflow conveyance system. The report does not provide any plans for detaining and releasing the runoff from the roof areas proposed to be discharged into the overflow system. The total runoff volume to be released from the entire site shall not exceed the allowable rates specified in Section CCC 13.29.310(C)(4). (See Condition A-11)

If the proposed emergency overflow system is to be used for conveyance of roof runoffs, an offsite analysis extending a minimum of one-fourth of a mile downstream from the stormwater outfall shall be completed in accordance with the provisions of Section CCC 13.29.305(B) (see Condition A-12).

A standard detail and specifications for construction of the individual downspout infiltration systems shall be submitted with the engineering plans for review and approval (see Condition A-13).

The applicant's geotechnical engineer shall make a recommendation for the necessity of infiltration testing in the exact locations of the individual downspout infiltration systems. If infiltration testing is recommended by the geotechnical engineer, the infiltration test results for each downspout infiltration system shall be submitted for review and approval prior to issuance of the building permit. (See Condition B-1)

The stormwater plan shows storm conveyance systems within 15-foot easements. In compliance with the provisions of Section CCC13.29.310(D)(12)(a), public conveyance system shall be within a minimum of 20-foot wide easement. (See Condition A-14)

Use of Stormwater Management StormFilters™ manholes and/or vaults are allowed for water quality control. Placements of online StormFilters™ manholes in the public roads are permitted but placing the vaults within the public roadway are prohibited due to potential problems with placement, maintenance, and repair of other utilities. Furthermore, for the same reasons, the proposed stormwater conveyance systems may not be placed in multiple locations along the length of any sections of the public roads. (See Condition A-15)

The existing stormwater facilities in the northeast corner of the site along the eastern boundary of the proposed Lot 24 shall be protected or reconstructed to function as intended without any adverse impacts on the adjacent properties. (See Condition A-16)

Finding 19 - Erosion Control

Because the disposal method is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and the future homes within the proposed lots, all the runoffs shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (See Condition C-1)

Conclusion:

Based upon the development site characteristics, the proposed stormwater plan and the requirements of the County's stormwater ordinance, staff concludes that the proposed preliminary stormwater plan is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 20

Tom Scott (in the Fire Marshal's Office) reviewed this application. Tom can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- b. Fire flow in the amount of 1000 gallons per minute supplied for 60 minutes duration is required for this application. The applicant has submitted a utility review from the City of Vancouver indicating that the required fire flow is available to the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-17)

- c. Fire hydrants are required for this application. The indicated number and spacing of hydrants is adequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (see Condition A-17)
- d. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Condition A-18)

HEALTH DEPARTMENT:

Finding 21

The applicant submitted the results of a site evaluation performed by the SW Washington Health Department. A septic system exists on the subject site. The applicant must follow abandonment procedures in accordance with the requirements of the Health District including written confirmation of legal abandonment. At least one well exists on the subject site. All wells found on the site must be properly decommissioned by a licensed well driller pursuant to WAC 173-160-4150 and requirements of the Health Department.

All demolition wastes created by this development must be properly disposed of according to the County demolition permit requirements. Proof of appropriate waste disposal in the form of receipts must be presented to the Health Department. If any underground storage tanks are discovered on the site, they must be identified and decommissioned in accordance with the Health Department and Fire Code requirements. Any leaks or contamination must be reported to the Washington State Department of Ecology at (360) 407-6300.

(See Condition E-7)

All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the purveyor should be submitted to the Health Department with the final plat mylar. (see Condition E-8)

UTILITIES:

Finding 22

The applicant has submitted utility reviews from the City of Vancouver indicating that public water and sewer is available to the subject site. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health District with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Condition E-8).

IMPACT FEES:

Finding 23

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF). The site is within the Evergreen School District with a SIF of \$3,540.00 per dwelling,

Park District 5 with a PIF of \$1,359.00 (acquisition) & 440.00 (Development) per dwelling, and the Evergreen Transportation Subarea with a TIF of \$1,445.86 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Condition D-8)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an EIS;
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (**DNS**) - Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is October 22, 2003, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 5, 2003 (**the Public Comment Deadline**).

Public Comment Deadline:
November 5, 2003

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$175**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA appeal is can not be appealed the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request, with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval:

- A-1 The applicant shall form an owners association for the purpose of maintaining the proposed/required common open space pursuant to CCC 18.405.040 A3 (d)(1).

The open space shall be placed in a tract and conveyed to the owners association. A restriction to the PUD CC&R's shall be added that prohibits fully sight-obscuring fencing along lots 37 through 45 abutting the park. Partially sight-obscuring fencing would be allowed (see Finding 3)

- A-2 All buildings/structures on the subject site shall be removed in accordance with the requirements of Clark County Building Department (see Finding 5).
- A-3 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Hearing Examiner's Decision with evidence of payment presented to staff at Clark County Public Works. (see Finding 9).
- A-4 The applicant shall reimburse the City for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$570.00. The reimbursement shall be made within 60 days of issuance of the Hearing Examiner's Decision with evidence of payment presented to staff at Clark County Public Works. (see Finding 11)
- A-5 The proposed sidewalks along the frontage on NE Edmunds Road, sidewalks along the neighborhood park area, and the walking path between the future lots #24 and #25 shall be constructed prior to the final plat approval (see Finding 15).
- A-6 The stormwater calculations and sizing of the infiltration facilities shall be based on the runoff volume from the accurately measured impervious surface areas (see Finding 18).
- A-7 The final design for the stormwater facility shall be based on the correct CN data (see Finding 18).
- A-8 The final design for the stormwater facility shall be based on the correct rainfall data (see Finding 18).
- A-9 Design and construction of the stormwater infiltration facilities shall comply with the following requirements (See Finding 18):
 - a. The stormwater infiltration facilities shall be designed based on the infiltration rates less than or equal to one-half of the tested rates
 - b. The infiltration system installation shall be observed and documented by a licensed geotechnical engineer
 - c. A sacrificial temporary drainage system shall be considered for use during construction of the site improvements.
 - d. The infiltration rates used in the final stormwater analysis shall be verified during the construction by a licensed geotechnical engineer or a designated representative at the exact location and depth of the proposed stormwater infiltration facilities.

- A-10 The final stormwater plan shall provide measures to prevent adverse impacts to adjacent properties due to the increased runoff from this development (see Finding 18).
- A-11 The total runoff volume to be released from the entire site shall not exceed the allowable rates (see Finding 18).
- A-12 An offsite analysis extending a minimum of one-fourth of a mile downstream from the stormwater will be required (see Finding 18).
- A-13 The construction plans shall include a standard detail and specifications for the individual downspout infiltration systems (see Finding 18).
- A-14 Public stormwater conveyance system shall be within a minimum 20-foot wide easement (see Finding 18).
- A-15 Placing the StomFilters™ vaults within the public roadway is prohibited and stormwater conveyance systems may not be placed in multiple locations along the length of any sections of the public roads (see Finding 18).
- A-16 The existing stormwater facilities in the northeast corner of the site shall be protected or reconstructed to function as intended without any adverse impacts on the adjacent properties (see Finding 18).
- A-17 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief (see Finding 20b & c)
- A-18 The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Finding 20d)

B. Conditions that must be met prior to issuance of Building Permits:

- B-1 If infiltration testing is recommended by the geotechnical engineer, the infiltration test results for each downspout infiltration system shall be submitted for review and approval prior to issuance of the building permit (see Finding 18).

C. Conditions that must be met prior to Occupancy Permit Issuance:

- C-1 All the runoffs from the site and the proposed lots shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible (see Finding 12).

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Setbacks:

"The following setbacks apply to the proposed plat (see CCC 18.406.020 Q9 d and Finding 1):

- a. Eighteen foot front, side, or rear setback for garages (or other similar vehicular shelter)
- b. Five foot standard side and rear setback for all other setbacks in the plat"

D-2 Mobile Homes:

"Placement of Mobile/Manufactured Homes is prohibited."

D-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-4 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also a sidewalk easement as necessary to comply with ADA slope requirements upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-5 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-6 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-7 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

D-8 Impact Fees:

"In accordance with CCC 18.65, the School, Park and Traffic Impact Fees for lots in this plat is: \$3,540.00 (Evergreen School District), \$1,359.00 - Acquisition; \$440.00 - Development for Park District #5), and \$1,445.86 (Evergreen sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated

_____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule.”

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

E-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-3 Erosion Control:

- a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.27A.
- b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- c. Erosion control facilities shall **not** be removed without County approval.
- d. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-4 Excavation and Grading:

- a. Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-5 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

E-6 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

E-7 Health District:

- a. Applicant shall comply with the requirements of the Southwest Washington Health District. For the on-site septic system and any existing wells discovered on the site, the applicant must follow proper abandonment/decommissioning procedures in accordance with the requirements of the Health District. The location of all

abandoned/decommissioned wells and on-site septic systems shall be indicated on the final plat map.

- b. All demolition wastes created by this development must be properly disposed of according to the County demolition permit requirements. Proof of appropriate waste disposal in the form of receipts must be presented to the Health Department. If any underground storage tanks are discovered on the site, they must be identified and decommissioned in accordance with the Health Department and Fire Code requirements. Any leaks or contamination must be reported to the Washington State Department of Ecology at (360) 407-6300.

E-8 Utilities:

A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14)

calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).
5. A check in the amount of **\$263** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- Copy of SEPA Checklist
- List of Exhibits Received to Date

A copy of the preliminary plan, SEPA Checklist and County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
<http://www.clark.wa.gov>